

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X Docket#
CECIL EUGENE ROSCOE, : 06-cv-5922 (CBA) (LB)
Plaintiff, :
: U.S. Courthouse
- versus - : Brooklyn, New York
: June 27, 2007
NYC Corporation Counsel, :
et al., :
Defendant :
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TRANSCRIPT OF CIVIL CAUSE FOR INITIAL CONFERENCE
BEFORE THE HONORABLE LOIS BLOOM
UNITED STATES MAGISTRATE JUDGE

A P P E A R A N C E S:

For the Defendant:

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2

1 THE CLERK: This is Civil Cause for Initial
2 Conference, docket number 06-cv-5922, Roscoe v. New York
3 City Corporation Counsel.

4 There is no appearance by plaintiff. Will the
5 defendant please state your name for the record.

6 MR. SUD: Sumit Sud, Assistant Corporation
7 Counsel.

8 THE CLERK: The Honorable Lois Bloom presiding.

9 THE COURT: Good afternoon, Mr. Sud.

10 MR. SUD: Good afternoon.

11 THE COURT: This is a Section 1983 complaint.
12 The plaintiff brought the complaint on October 27, 2006.
13 And he alleged that he was subject to excessive force by
14 unknown police officers during the course of his arrest
15 on October 5, 2006.

16 On January 8, 2007, defendants requested
17 permission to file a motion to dismiss against the
18 Corporation Counsel and the New York City Police
19 Department and that request was denied without prejudice
20 to renewal once some of the John Doe defendants that
21 plaintiff was trying to name were identified.

22 Although defendants worked diligently to
23 identify the John Doe police officers allegedly involved
24 in the incident, plaintiff has not contacted the Court
25 since he filed the complaint on October 2006. On January

Proceedings

3

1 2007, mail was returned from plaintiff's address at
2 Rikers Island with the notation return to sender. And
3 plaintiff has never updated the Court with a new contact
4 address.

5 The Corporation Counsel had an alternate
6 address for plaintiff which was 87 Thompson Street,
7 Staten Island, New York 10304. But mail sent to that
8 address has been returned, as well.

9 Mr. Sud, this conference was sent to both
10 addresses that we have for plaintiff. Has plaintiff
11 contacted you?

12 MR. SUD: No, your Honor, and all mail that
13 we've forwarded to plaintiff has also been returned as
14 undeliverable by the postal service.

15 THE COURT: Well again, I wanted to give
16 plaintiff every opportunity to appear but it is the
17 responsibility of the plaintiff to keep the Court
18 informed of his current address. And I will cite to two
19 unreported southern district cases, Roundtree v. Health
20 and Hospitals Corporation, 06 Civ 212, which is reported
21 at 2007 Westlaw 1428428, (SDNY May 14, 2007). That case
22 cites to Hibbert v. Apfel, 99 Civ 4246 2000 Westlaw
23 977683, (SDNY July 17, 2000). Based on plaintiff's
24 failure to appear today, and failure to give the Court or
25 defendant any notice of where he can be contacted, I am

Proceedings

4

1 recommending to Judge Amon by way of this oral report and
2 recommendation under 28 USC 636(d) that this case should
3 be dismissed as plaintiff has abandoned the case. I will
4 get a transcript made of today's conference and forward
5 it to Judge Amon.

6 And under Rule 72, Mr. Roscoe will have ten
7 days to file objections to the report and his failure to
8 file objections to the report within ten days generally
9 will preclude any further review.

10 Since we only have the addresses that
11 Mr. Roscoe has provided, that's the only addresses the
12 Court can send this transcript report and recommendation
13 to. But again, the ten days will begin to run from the
14 filing of the report and recommendation.

15 Is there anything further today, Mr. Sud?

16 MR. SUD: No, there isn't, your Honor.

17 THE COURT: Then this matter is adjourned.

18 Thank you very much.

19 MR. SUD: Thank you.

20 (Matter concluded)

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C E R T I F I C A T E

I, ROSALIE LOMBARDI, hereby certify that the foregoing transcript of the said proceedings is a true and accurate transcript from the electronic sound-recording of the proceedings reduced to typewriting in the above-entitled matter.

I FURTHER CERTIFY that I am not a relative or employee or attorney or counsel of any of the parties, nor a relative or employee of such attorney or counsel, or financially interested directly or indirectly in this action.

IN WITNESS WHEREOF, I hereunto set my hand this 28th day of June, 2007.

Rosalie Lombardi

Rosalie Lombardi
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